IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

OP.No. 32828 of 1999(G)

PETITIONER:

SRIKANDAPURAM GRAMA PANCHAYAT,
SRIKANDAPURAM P.O.,
KANNUR, REP.BY ITS PRESIDENT,
K.J.JOSEPH, KUZHITHOTTU, CHEMPANTHOTTY,
KANNUR.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS:
----

1. **STATE OF KERALA,. REP.BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIATE, TRIVANDRUM.**

2. **THE DISTRICT COLLECTOR, COLLECTORATE, KANNUR.**

3. **THE TAHSILDAR , THALIPARAMBA TALUK, KANNUR.**

4. **MECHERIKANATH BEEVI, MECHERIKANATH, SRIKANDAPURAM P.O., KANNUR.**

ADDL. R5 TO R8 ARE IMPLEADED.

5. **M.K.ABDULLA, S/O. LATE MOHAMED, AGED 43 YEARS, MACHERIKANATH HOUSE, CHENGALAI, P.O., RESIDING NEAR CHENGALAI DISPENSARY, SREEKANDAPURAM, KANNUR DISTRICT.**

6. ABOOBACKER M.K., S/O. LATE MOHAMMED,
AGED 40 YEARS(FISH MERCHANT),
RESIDING AT MECHERIKANATH HOUSE,
CHEMPERI P.O., PURANHAM, SREEKANDAPURAM,
KANNUR DISTRICT.

7. AYISHA M.K., D/O. LATE MOHAMMED,
W/O. ABOOBACKER, AGED 35 YEARS,
S.P. VIII/937 © SREEKANDAPURAM PO.,
KANNUR DISTRICT.

8. SAFIYA M.K., D/O. LATE MOHAMMED,
AGED 30 YEARS, W/O.SIDHIQUE, S.P. VIII/547,
(OLD NO.55), SREEKANDAPURAM P.O.,
KANNUR DISTRICT.

ADDL.R5 TO R8 ARE IMPLEADED AS PER ORDER DT. 28.9.07 IN I.A.6890/2006.

BY ADV. SRI.O.V.MANIPRASAD
SRI.S.MUHAMMED
GOVERNMENT PLEADER SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.32828/1999

ORDER ON CMP. NO.55489/99 IN OP. NO.32828/1999

DISMISSED

17.10.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RESOLUTION PASSED BY THE PETITIONER.

EXT.P2:- COPY OF THE LETTER OF THE EXECUTIVE ENGINEER PWD R&R KANNUR.

EXT.P3:- COPY OF THE SKETCH OF 72 CENTS OF LANDS SOUGHT TO BE ASSIGNED TO THE PETITIONER.

EXT.P4:- COPY OF THE REPRESENTATION OF THE PETITIONER TO THE IST RESPONDENT.

EXT.P5:- COPY OF THE FORMAL APPLICATION OF THE PETITIONER ALONG WITH COVERING LETTER OF THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE LETTER OF THE EXE.ENGINEER TO THE SUPERINTENDING ENGINEER.

EXT.P7:- COPY OF THE NO OBJECTION OF THE SUPERINTENDING ENGINEER , KOZHIKODE.

EXT.P8:- COPY OF THE LETTER OF EXE.ENGINEER PWD ROADS DIVISION, KANNUR TO THE 2ND RESPONDENT.

EXT.P9:- COPY OF THE REPRESENTATION OF THE PETITIONER.

EXT.P10:- COPY OF THE LETTER OF THE 3RD RESPONDENT.

EXT.P11:- COPY OF THE RESOLUTION NO.190/99(i) OF THE PETITIONER.

EXT.P12:- COPY OF THE COVERING LETTER OF THE RESOLUTION.

EXT.P13:- COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

tss

OP. NO.32828/1999

ORDER ON CMP. NO.

THOTTATHIL B. RADHAKRISHNAN, J.

= =

O.P.No.32828 of 1999-G

= =

Dated this the 17th day of October, 2007.

JUDGMENT

1. This writ petition is filed by a grama panchayat through its President. It discloses a peculiar but unfortunate state of affairs.

2. The 4th respondent has filed a counter affidavit.

3. The pleadings disclose that the husband of the 4th respondent was a leper and because of that, the 4th respondent had to essentially peg to make a living. He died while she was 73 years old. Now she is dead. Her children have been impleaded.

4. The 4th respondent was residing in a small parcel of the land belonging to the Government. Even according to the Government, that possession was for a period of nearly 30 years. She had also obtained possession certificate in relation to that property. The panchayat contends that it required the land for the purpose of a bus stand and that the statutory authorities were to assign the properties to the panchayat.

5. Be that as it may, as of now, it is submitted by the learned counsel for the writ petitioner that with the passage of time, the panchayat has purchased the property and had also rehabilitated the 4th respondent by providing alternate site and also residence and that, therefore, the possession certificate may be quashed.

Possession certificate is a document. It is issued by a revenue district disclosing the state of affairs as on the

date of the certificate. That is not a document for all times to come. This means that if the fact situation has changed, the revenue authorities can re-consider that matter. Hence, this writ petition is disposed of directing that the change of events, if brought to the notice of the competent authority by the Sreekantapuram grama panchayat, will be considered and appropriate action taken, including regarding the possession certificate, if found needed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

= = = = = = = = = = = = = = = = = = =

O.P.No.32828 of 1999-G

= = = = = = = = = = = = = = = = = = =

JUDGMENT

Dated: 17th October, 2007.